

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6110

BILL NUMBER: SB 125

NOTE PREPARED: Nov 29, 2007

BILL AMENDED:

SUBJECT: Reentry Courts and Community Transition.

FIRST AUTHOR: Sen. Waltz

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill gives a certified reentry court the authority to establish alternate commencement dates for community transition programs (CTPs), and permits the court to discharge or release on probation or parole persons who have successfully completed a CTP.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2008.

Explanation of State Expenditures: This bill could reduce costs to the state General Fund if offenders who are currently in Department of Correction (DOC) facilities are assigned to a reentry court program as part of a CTP 120 to 185 days earlier than they are now. This is because offenders in DOC would be released from DOC at an earlier date and placed in a CTP program. The state per diem for CTP offenders is \$15, while the minimum per diem for housing offenders in DOC facilities is \$35 if the DOC places offenders in a county jail. Currently, three reentry court programs operate in Indiana. They have the estimated capacity of supervising 270 offenders in a given year.

The following shows the amount of time that an offender can spend in a community transition program under current law and the maximum time proposed by this bill.

Number of Days That an Offender Can Be in CTP If the CTP Is Operated by a Reentry Court			
	<u>Current Law</u>	<u>Proposed</u>	<u>Maximum Added Time</u>
Class C or D felons	Between 30 and 60 days	Between 30 and 180 days	120 days
Class A or B felons	Between 30 and 180 days	Between 30 and 365 days	185 days

Explanation of State Revenues:

Explanation of Local Expenditures: Allowing offenders to remain in CTP as part of a reentry court program may require additional staff to provide adequate supervision of offenders. Since the sentencing courts have the discretion to admit an offender into a reentry program at an earlier date than they currently do, it is assumed that the reentry court judges will decide whether committing the offender at an earlier date will cause a detrimental effect on the program.

Background on Reentry Courts – Under IC 12-14-29-1, reentry court programs are designed to supervise and provide services to an individual who was previously incarcerated by DOC in an adult correctional facility. The program goal is to increase the likelihood that the individual will become self-sufficient and not commit additional crimes. The program provides intensive supervision, which may include 24-hour electronic monitoring supervision of the individual.

Staff at the Indiana Judicial Center report that three courts are provisionally certified under the interim rules - Marion, Allen, and Tippecanoe.

Selected Characteristics of Existing Reentry Court Programs			
	<u>Allen County</u>	<u>Marion County</u>	<u>Tippecanoe County</u>
Started In:	July 2001	January 2005	October 2005
A Component Of:	Community Corrections Program	Marion County Drug Treatment Court	Reentry Court Staff
County Employees Involved:	Probation officers, community corrections staff, and superior court staff.	Presiding judge of Drug Court, two case managers, program coordinator, prosecutor, public defender, parole agent liaison, probation liaison, and the coordinator of the CTP.	Case manager from community corrections staff; surveillance officer with other responsibilities; volunteers representing the court, agencies, probation, parole, the prosecutor, and public defender, Purdue University, and law enforcement.
Offenders served in 12-month period:	140	100	30

Selected Characteristics of Existing Reentry Court Programs			
	<u>Allen County</u>	<u>Marion County</u>	<u>Tippecanoe County</u>
Funding Sources:	User fees and DOC community corrections funds, other federal, state, or local funds.	Justice Assistance Grant monies and some assistance from CTP case managers and the coordinator receive funding from the ICJI grant.	CTP per diems from DOC and user fees.

Explanation of Local Revenues: Extending the length of time that an offender may serve in a CTP could generate more revenue for the program in two ways. First, offenders who are employed could pay a user fee to offset some of the costs of the program. Second, the county receives \$15 from the Department of Correction for each day the offender is in CTP. Whether this added revenue will offset the additional costs associated with the extended stay in CTP is not known.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Sentencing courts with reentry courts.

Information Sources: DOC; Allen, Marion, and Tippecanoe County reentry courts.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.